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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Michael Goetz et al.		
Serial No.:	10/511,664	Case No.:	21121YP
Filed:	October 18, 2004		
For:	Novel Maxi-K Channel Blockers, Methods of Use and Process for Making the Same		

Art Unit 1609
I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By *Christina N. [Signature]* Date *Aug 9, 2007*

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is filed in response to the restriction requirement mailed August 1, 2007 and for which a response is due on September 1, 2007. Claims 1-11 are currently pending in the application and are subject to the following restriction under 35 U.S.C. 121:

Group I, claims 1-6, drawn to a method for treating ocular hypertension or glaucoma.

Group II, claims 7-11, drawn to a method for treating macular edema, macular degeneration, for providing a neuroprotective effect, increasing retinal and optic nerve head blood velocity or increasing retinal and optic nerve oxygen tension.

Applicants elect Group I, claims 1-6, drawn to a method for treating ocular hypertension or glaucoma with traverse. Applicants respectfully assert that the Examiner fails to justify the restriction requirement because contrary to the Examiners' assertion, the present invention of Groups I-II are related. Even though only one invention may be claimed in a single application, a reasonable number of species of the invention can be claimed if there is an allowable generic claim in the application, which is the case of the

Case 211 21YP

present application. Accordingly, there is no additional burden on the part of the Examiner to conduct the prior art search for examination of the present application in total.

As required by the Examiner, applicants further elect the paspalinine as the species and beta-adrenergic blocking agent timolol as the hypotensive agent.

In view of the above, the Examiner is respectfully requested to withdraw the restriction requirement.

Authorization is hereby given to charge any fees which may be due as a result of this petition to Deposit Account No. 13-2755.

Respectfully submitted,

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Date: August 9, 2007